

THE CHARLOTTE JOURNAL.

"PERPETUAL VIGILANCE IS THE PRICE OF LIBERTY," FOR "POWER IS ALWAYS STEALING FROM THE MANY TO THE FEW."

VOLUME XVIII.]

CHARLOTTE, N. C. SEPTEMBER 6, 1848.

[NUMBER 46.]

J. L. BADGER, Editor.
T. J. HOLTON,
Proprietor and Publisher.

NEW TERMS.
TWO DOLLARS per annum in advance; TWO DOLLARS and FIFTY CENTS if payment be delayed three months; and THREE DOLLARS if paid until the close of the year.

Advertising rates to Clubs.
One year to one direction, \$10
Six months " " " " " 6
Three months " " " " " 4
One month " " " " " 2

Advertisements inserted at One Dollar per square, (16 lines or less, this space type), for the first insertion, and 25 cents for each continuation. Court advertisements and Sheriff's Sales charged 25 per cent. higher and a deduction of 33 per cent. will be made from the regular price for advertisements by the week. Advertisements for real estate, or for any other purpose, will be charged 75 cents per square for each insertion.

Postmasters are respectfully requested to act as Agents.

WEEKLY ALMANAC.

SEPTEMBER 1848.	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
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MOON'S PHASES.
For September, 1848.
1st 5 3 22 a.m.
2nd 13 12 57 a.m.
3rd 21 4 36 a.m.
4th 29 7 14 a.m.
5th 30 9 44 a.m.

POETRY.



From the Winchester (La.) Orthopolitan.
WE ARE ALL FOR TAYLOR.

BY ONE OF THE DIXIES.

TUNE—"OLD GRANITE STATE."

We are coming, we are coming!

To the battle just begun.

We're a true and tried commander.

For 'tis Taylor leads us on;

He who fought so bravely for us.

On the rights and wrongs of May.

And amid the fearful carnage.

On the heights of Monterey.

We are all for Taylor.

We are all for Taylor.

We're for Fillmore and for Taylor.

For the honest and the true.

He who never has surrendered.

Though the foe stood four to one.

In the brave and gallant Taylor.

Who will surely lead us on;

And the idea of next November.

Will record another name.

In the highest niche of glory.

On the brightest scroll of fame.

We are all for Taylor, &c.

Though our foe may count by legions.

We will never shun the fray.

But will bravely march to battle.

And are sure to win the day.

For 'tis Taylor leads us on.

Who has never known defeat.

And his word is ever "Forward."

For he knows not a retreat.

We are all for Taylor, &c.

Where the battle rages thickest.

Will our gallant chief be found.

And his cheering voice be ringing.

To encourage all around.

For danger only is a foe.

He will boldly lead the van.

To a Bona Vista greeting.

For the men of Michigan.

We are all for Taylor, &c.

Miscellaneous.

The following is so excellent we should not be surprised to see it in the "Daily Advertiser."

TUNISIAN JUSTICE.

A certain Captain Bacard had left Morocco for China; but being troubled by the winds, he heaved up in the harbor of Tunis, to wait weather. The collector of the port came on board. Capt. Bacard represented that he was freighted for Canton, and that he had nothing to do with Tunis, and that he only put in from distress of weather. But the collector exhibited manifest necessity that he should look over. Capt. Bacard did look over in a rage, but instantly repaired to the palace of the Bey, demanding justice.

"Good Frank," said the Bey, "I am your friend. God is great. What the devil do you want of me?"

"Highness," answered the Captain, "your custom house has robbed me. I have forked over—fork back."

"Excellent individual," answered the Bey, "in this country, when we have the day, we keep it. The original acquisition is a difficulty. To fork back is a thing unknown to Africa."

"But shall I not have justice?"

"Certainly, every one has justice in Tunis. Will you have it in French or Tunisian?"

"Highness, I have had a law-suit or two in France. Justice in French fashion!—God forbid."

"But I don't press it on you," observed the Bey. "If you choose the French after all, I will speak to your consul. He loves justice, good man; three of my subjects applied to him three years ago for immunity, and they will get it next year, I think—for he loves justice."

"French justice! never! give me the Tunisian; I am in a hurry!"

"Be it so, then. God is great," said the Bey—"what is your cargo?"

"Marcelline soap, and twenty thousand cotton caps."

"It is well. Go away and be tranquil." The Bey summoned the Vizier.

"Vizier," said he, "there is no God but God, and Mahomet is the prophet. We love justice. We love the Franks. We claim that every Jew who appears to mor-

row cut doors without a cotton cap, will have a little transaction to settle with me."

There are twenty thousand Jews in Tunis, and not one cotton cap in the place. They all made their wills; but when they learned through an officer of the customs that Capt. Bacard had lots of the desired article, there was enough said—the Captain sold the invoice at \$2 the cap. He rushed to the palace and poured out his thanks.

"Not so fast," said the Bey; "I am not done yet. Call my Vizier."

The Vizier appeared.

"Proclaim," said the Bey, "that every Jew who keeps a cotton cap another hour will have a trouble with you. God is great, and I am a lineal descendant of Mahomet."

The Vizier made a grand salute, placing his left leg on the back of his neck, according to the custom of the Court, and retired.

When Capt. Bacard returned to the dock, he found the twenty thousand Jews already awaiting him, caps in hand. He might have had the caps for nothing, but, desirous to leave behind him a name for generosity and greatness of soul, he purchased them at two cents a piece.

THE KAFFIR AND THE FASHIONABLE LADIES.

A few days ago (says *Saty's African Journal*) four ladies, in the full blaze, and extreme breadth of English fashion—for their bustles would have passed muster and even excited envy in Bond street—paid a visit to the rebel chief Sandili, at his residence in the Drossy, a well known gallant and witty colored acting as cicerone to the party.

With considerable address and the aid of the energetic colonel, each fair votary of fashion managed to convey herself and portable wardrobe through the narrow doorway (only intended for a horse to enter at) of the chief's apartment, without much damage, and the party stood fronting the group of wondering savages. Sandili reclined on an iron hospital stretcher, in graceful attitude, with his regal tiger-skin kurcas carelessly thrown over him. His brother, a splendid specimen of a rude Kaffir, stood on his left, in all the pride of native dignity, whose fine limbs and well developed muscles no thing or wrappings had helped to strangle in their growth—beautiful, a perfect model for a sculptor, and most strange contrast to the made-up figures of his grotesque and ill-made visitors. Around these two were lying, sitting and standing the other councillors, about a dozen, in various attitudes and stages of Kaffir-fashion, some *au naturel*, others blanketed and karoused. After a scrutinizing examination of the various figures composing this picturesque group of the *élite* of Kaffirland, and much critical disquisition on the part of the company of ladies as to the relative merits of the ancient Grecian statues, Sandili was requested to stand up and show himself. The chief wished to know who the ladies were, that he should stand in their presence. "Tell him," said the jocose Colonel to the interpreter, "tell him they are my wives, and that I have another at home; and ask what he thinks of them." "For, Colonel," twittered one young lady, "how can you tell the chief such nonsense?" The interpreter explained, the chief laughed and whispered to his brother, who laughed also, and the laugh went round the circle, all staring at the four fashionable ladies, who began to laugh too at the hilarity they had occasioned amongst the natives. "Oh! do tell us what they are so merry about," said Miss —, "they've found out something very funny, I'm sure, Sandili is laughing so wickedly." "Oh, yes, Colonel," entreated Mrs. —, "pray let the interpreter ask him." The interpreter did ask, but was seized with such an immoderate fit of laughing that he could not stop himself. The ladies joined again, and the scene became really quite exciting. The interpreter seemed bashful when pressed to give the chief's reply, and the curiosity of the ladies of course made them still more importunate for an explanation of the fun. "What does he say?" quoth the Colonel. "He says, sir, you are likely to have a large family, for they all appear —." Suddenly the room is darkened, bustles are squeezing themselves frantically through the narrow doorway, helping to wedge each other through, and so forth, and the party is soon seen in rapid flight scampering home along the green, followed by the mischievous colonel.

THE REFORMER AND THE QUAKER.

A country clergyman was boasting in a large company of the success he had met with in reforming his parishioners, on whom his labors, he said, had produced a wonderful change for the better. Being asked in what respect, he replied that, when he came first among them, they were a set of unmannerly clowns, who paid him no more deference than they did one another; did not so much as pull off their hat when they spoke to him, but bawled out as roughly and familiarly as though he was their equal; whereas now they never presumed to address him but cap in hand and in a submissive voice, made him the best bow when they were at ten yards' distance, styling him your reverence at every word. A Quaker, who had heard the whole patiently, made answer, "And so, friend, the upshot of this reformation, of which thou hast so much carnal glorying, is that thou hast taught thy people to worship thyself!"

True Love.—"My darling, will you take a little of the—stuffed?"

"I will, dear, if you do; but if you don't, I won't."—Punch.

Why is a vulgar character like a certain tree? Ans. Because he is a "low cut!" (Locust.)

SPEECH OF MR. BADGER, ON THE COMPROMISE BILL.

Delivered in the Senate of the U. States, July 26.

The Senate having under consideration the bill to establish the territorial governments of Oregon, New Mexico and California:

Mr. BADGER said: I am very sorry that my honorable friend who reported the bill, (Mr. Clayton,) felt himself compelled, by considerations of duty, under the influence of which I know he always acts, here and elsewhere, to press the measure through the Senate, and to prevent, so far as depended on his action and influence, a full, simple, and thorough investigation of the subject in all its bearings. What is the character of the measure? It is a proposal to settle a most difficult and anxiously considered subject, upon a plan entirely novel—one heretofore proposed by no one, and so far as known, thought of by no one. It is a measure of immense importance, relating, as it does, to a subject in itself of vast concern and complicated by many incidental difficulties. Now, it does seem to me, that when the gentlemen composing the committee, after the various diversities of opinion among themselves, which were stated by my friend from Delaware, (Mr. Clayton,) at last but upon and concluded to present, as a compromise, a measure before unknown and uncorroborated, it was due to the importance of the occasion—the high, solemn, and lasting interest at stake—and, in an eminent degree, due to this body, itself, that, instead of being introduced to us with a significant notification that it was to be pressed through in haste—

Mr. CLAYTON, (in his seat.) Nothing of the kind.

Mr. BADGER. I will show there was, though perhaps it was not intended. I was about to say, when interrupted by the Senator, that in these circumstances, instead of such an announcement being made to the Senate, we should have been informed that the committee, unable to agree upon any thing else, and acting from the best motives, had thought proper to present a new and unheard of plan of pacification on this momentous question; that they desired no haste; that, on the contrary, they invoked from every member of the Senate the full scrutiny; that they not only wished and hoped, but demanded, as due to themselves, the Senate, and the country, the application, on the part of every member of the body, of his best understanding to this subject, and a full, deep, thorough and searching investigation of the plan presented in all its parts and bearings; that full time should be afforded to enable Senators both to reflect and to debate; and that, so far from the usual order of the Senate being reversed, in this question pressed upon a weary and exhausted Senate—motions to adjourn, after a continued sitting of seven and eight hours, resented, and the yeas and nays demanded—no opportunity for deliberation and discussion would be withheld.

My honorable friend from Delaware (Mr. Clayton) says that no intention was announced to press this measure through in haste. If by that he means that no such terms were used, he is undoubtedly correct. But, in point of fact, how stands the matter? My friend announced that he would press this bill upon the consideration of the Senate. It was first called up, if I recollect right, on Saturday afternoon; and after a long and laborious session, my honorable friend resisted a motion for adjournment, and on yeas and nays, voted against it. The Monday after was spent in the consideration of the bill, and precisely the same result took place. My honorable friend in charge of the bill, to whom his friends naturally looked for the course they ought to pursue upon motions for adjournment, still declined to adjourn. Yes, after a session of full seven hours, nearly eight, I may add, when my honorable friend from Kentucky, (Mr. Underwood,) rose to address the Senate, himself a member of the committee; when many Senators were exhausted and some prostrated; and when even I, with a constitution of iron, and youth besides on my side, felt some respite to be necessary, a motion to adjourn was carried, upon the yeas and nays, against the vote of my friend from Delaware. The proceeding was, in my opinion, unfortunate—very unfortunate—though I attribute nothing of inappropriateness of intention to the gentleman, or those who acted with him.

Mr. CLAYTON. It is very extraordinary that the gentleman does not recollect that when the Senator from Maryland, (Mr. Johnson,) who was exhausted and unwell, desired the Senate to adjourn, I, in opposition to the wishes of the friends of the bill, expressed a desire that the motion might succeed, and gave it my support. That the gentleman calls "hot haste."

Mr. BADGER. Unfortunately, the honorable gentleman confounds two different cases. I know that the gentleman assented to the motion to adjourn last evening, for the accommodation of my friend from Maryland; but how was it when my friend from Kentucky, (Mr. Underwood,) who was supposed to be opposed to the bill, desired an adjournment for his accommodation? It was to this case that I referred. Allow me, sir, to add what I was about to say when interrupted by the honorable gentleman, that I regard his course as peculiarly unfortunate with regard to such a bill as this. The great end and object of the bill, as avowed by the gentleman and the committee, is to pacify the public mind, to settle this agitated subject, and to restore harmony to the country. How? Only by its moral power. You cannot change the opinion, or settle the discontents of free America, by the mere force of law. On occasions of this kind, it is all important that the moral

influence which accompanies a measure, should be as extensive as possible in its operation; and therefore, I think, there should have been shown no discussion of the question, by pressing a vote here until the physical energies of the Senate should be broken down, and the members be compelled by exhaustion to submit.

This is a long session, and the Senate have refused to fix any day for its termination; and therefore, there is no excuse, in my judgment, for the course which has been pursued. The session it is true, has been a very long one; and the weather is very hot and exhausting. I am as anxious as any gentleman to return to my home and my children, but I see no reason why this great and important measure should be hurried through the Senate. If, indeed, the Senate had passed the resolution from the House, and the House had adopted its amendment fixing the final day of adjournment for the 31st, we should have stood in a very different condition. In that case, I should myself have given a silent vote, or should at most have made a very brief statement of the grounds upon which I have formed an opinion adverse to the passage of the bill. But under present circumstances, with an unlimited session before us, I feel justified in presenting my views fully and at large. I shall undertake to show that this compromise measure, which my honorable friend has reported and recommended, involves a total and absolute surrender, on the part of the South, of whatever rights, feelings, or interest we may have in the subject, without any advantage being gained thereby to us, or to the country.

Mr. President, on the first day of June, in this present year of salvation, one thousand eight hundred and forty eight, a speech was delivered by an honorable member of the other House, representing a district in my own State, which I find in a pamphlet published in this city, and entitled, "Speech of A. W. Venable, of North Carolina, in the House of Representatives, June 1, 1848," and headed, "Slavery in the Territories."

In this speech are some remarks in reference to myself, and I read them because, as the Senate will see, they have an immediate connection with the subject under consideration. The passage will be found (on my table, near the foot of the left hand column, and in these words:

"A distinguished Senator of my own State, (Mr. Badger,) a gentleman of high attainments and extended reputation, in a recent speech on the Oregon bill admits the right of Congress to legislate for the exclusion of slavery in the territories, but placed the South upon the principle of expediency and the sense of justice of the Federal Legislature."

Now, to those who are curious in such matters, it may be somewhat interesting to learn that, in this speech, distributed in North Carolina about the middle of this month, and delivered, as stated on its face, on the first day of June, reference is made in the passage which I have read, to some remarks submitted by me in the Senate upon the second day of the same month of June. My first impression was, that the gentleman was incorrect in his chronology; but before committing myself on this point, I thought I would follow the example commended to us by the Senator from Mississippi, (Mr. Foote,) several times this session, and have a peep at the dictionary to ascertain what this word "chronology," means. I found that I was mistaken in my first notion, for the definition of "chronology" is satisfied by arranging events according to the proper year; and therefore, the gentleman was guilty of no violation of chronology when he represented himself as referring on the first day of June to what was said on the second, both days being in the same year. Some persons, on reading this reference in the speech to my remarks, and finding, from the proceedings and debates of the Senate, that I had not said one word on the subject until after the speech was made, might suppose that a slight inaccuracy had crept in, and that those remarks were not made at all in the House of Representatives on the first of June, which I refer, as a past event, to a speech of mine, made on the second of June; but were inserted for the first time in the printed speech in the month of July. But I draw no such inference. The whole matter may be satisfactorily explained, without any such charitable supposition. In ancient times, when the prophetic spirit descended upon a man, the seer, "rapt in future deeds," often saw events with such force and distinctness, that, in prophetic strain, he spoke of them as past already. Again: This is the age of progress. In the olden time, it was said that "coming events cast their shadows before;" and now, in the mighty improvements of the day, amidst the wonders of steam and electricity, it may well be, that "coming words cast their shadows before!" And thus it happened that my colleague of the House, in the dark hour of midnight, had his spirit troubled with a vision so clear of the atrocity which I should commit on the second of June, that it became impressed upon his mind as a past event, and, as such, he alluded to it on the first. And then, his patriotic horror, in this clear foresight or foreboding of my offence, impelled him to make a pious appeal to heaven in these words, immediately following those which I have quoted:

"Gracious heaven! are we reduced to this? Is our only, our last hope, the ver-

dict of a jury whose interest, whose feelings, and whose organization fit that verdict against us?"

And a little after, still referring to me, he exclaims—

"And do southern statesmen sound the first note of retreat? Does the flag fall first in their hands?"

Now, as I intend to advance again that atrocious sentiment which, delivered by me on the second day of June, awakened the prophetic horror of my colleagues of the House on the first, and as his speech, no doubt with the kindest feelings towards me, as printed and circulated extensively in the State of North Carolina, the Senate will see why I have made this reference, and that it is demanded of me, as a matter of respect and grateful consideration to him, that I should state the grounds on which my opinion rests: an opinion, by the expression of which I have, according to his phrase, "sounded the first note of retreat" from a position which I have never assumed, and thrown down a flag which I never raised.

In order to a full understanding of my views, it is necessary that I should go back a little in the argument, and show that this Government has a right to acquire territory, and whence that right is derived. Upon this point different opinions have been expressed. My friend from Massachusetts, (Mr. Davis,) in a very able speech on this subject, treated this as a *casus omissus* in the Constitution, held the power to acquire an assumed one, and the right to govern as a consequence merely of the acquisition. In my opinion, the power to acquire territory is expressly conferred upon the Government of the United States by the Constitution. The President, by and with the advice and consent of the Senate, has power to make treaties. Congress has power to declare war. The Constitution specifies no particular kind of treaties, as included in or excluded from the grant. Nor does it specify the purpose for which war is to be waged, or the manner in which it is to be concluded, but leaves these as necessary incidents to the treaty making and war-making powers respectively. Again, the constitution has not only omitted any express restriction upon the treaty-making power, but declares that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Whatever limitations, therefore, may from the necessity of the case be inferred—as for instance, that a treaty cannot be made to destroy the Government, or the Constitution, or any integral part of them, or to introduce any new element of political power—it is certain that the treaty making power is subject to no express limitation whatever. When the Constitution was formed, various kinds of treaties were known among nations; and all these were undoubtedly included in the granted power. Among these were treaties of cession, by which the United States might acquire as well as cede territory. The power is a large one, and the limitations upon it whatever they may be, have not yet been defined or applied. The extent of this power may be judged from a few instances furnished by the history and practice of the nation.

First, by treaty, the President and Senate can exercise a power expressly conferred upon Congress. For example, they can regulate commerce, and confer citizenship. Again, by treaty the United States can exercise a power not conferred upon the General Government at all, but undoubtedly reserved to the States. Of this, examples are found in the treaties with France and the Netherlands, by which the subjects of those powers were enabled to succeed to the inheritance of lands in the U. States without becoming naturalized, and thereby the laws of the States excluding aliens from the succession were repealed and abrogated. Again, by treaty the United States can set up a demand for a debt which has been by due course of law paid and satisfied. This was done with regard to the British debts which had been rightfully confiscated by State authority during the Revolutionary war, and the amount paid into the treasuries of the respective States. And, again, by treaty the United States may acquire authority to erect judicial tribunals and confer judicial power within the territory of a foreign and independent nation.

Of this we have an example in the bill now on our table—to erect such tribunals and confer such power—to be exercised in the empire of China. It seems, therefore, to follow necessarily, as well from the express grant of power as from the practice of the Government, that the President and Senate, by treaty, may acquire territory for the United States. When that acquisition is made, by the exercise of the power thus granted, the Constitution confers expressly upon Congress the power to legislate for the government of the territory so acquired. For it confers on Congress the power "to make all laws necessary and proper for carrying into execution" the "vested by this Constitution in the Government of the United States, or in any department or officer thereof." To my understanding it is therefore plain that, by the treaty-making power, we have express authority to acquire territory; and, by the provision I have cited, Congress has express authority to legislate for when acquired. Now, sir, upon this power, what are the restrictions, and where are they to be found? There are plainly none in the Constitution itself. It is one thing for us to think that certain restraints upon the exercise of this power would be convenient, would at this particular time be reasonable, would subserve the interests of that section of the country in which we happen to live, or, if

you please, the general interests of the whole; and it is another and very different thing to show an actual restriction upon the power itself. The former relates to a just and proper mode of exercising authority, and addresses itself to those in whom the power is vested. The other implies an actual exclusion of the power, which leaves nothing for the exercise of discretion at all. The honorable Senator from Virginia, (Mr. Hunter,) remarked that, although it seemed to him an absurdity to deny Congress the power to govern the territory, yet that power must be exercised in subordination to some general rule given in the Constitution. He undertook to specify one case, and certainly it was a very unhappy illustration of the rule he had laid down. He remarked that Congress was bound to establish over a territory a republican form of government. Why, sir, what has been heretofore the action of Congress? Establish a republican form of government? Why, the President and Senate are to send four men to New Mexico and five to California, who, without the previous request or subsequent sanction of the people there, are to exercise legislative, executive, and judicial powers over them. Is this republican? Is this what the Constitution calls a republican government? A government, in which the people governed do not elect their governors, and do not exercise the smallest restraint, control, or influence over them. Sir, it is preposterous to call such an institution republican. How, then, do gentlemen make out that from this general power of Government, conferred without qualification, is excepted the power of excluding the institution of slavery? Slavery, as it exists under the Constitution of the United States, is a State institution. It exists in the States which allow it, as a State institution, under their laws. It does not exist as an institution of the United States. It is not an institution that owes its origin to any law of the United States, by which slavery is introduced or established. Nor is it recognized by the Constitution of the United States, otherwise than as a State institution. The only reference to it in that instrument is the simple provision by which persons bound to service or labor in one State, "under laws thereof," and escaping into another, shall be delivered up on complaint of the party to whom such service or labor may be due. Where, then, do gentlemen find ground for the conclusion that, although Congress has power to govern these territories in every other particular, it has no power to govern them in regard to this particular institution? If the conclusion were right, would it not follow, that to introduce slavery is as much beyond the power of Congress as to exclude it?

Mr. President, the opinions I have expressed do not depend on any reasoning of my own, but, without referring to the precedents which have been furnished by the past history of the Government, are fully sustained by the solemn and considerate judgment of the Supreme Court of the United States, in the case so often referred to, (*American Insurance Company vs. Canter* 1 *Pet.*) both as to the source from which the right of acquisition is derived, and the nature and extent of the power over what is acquired. In delivering the opinion of the court in that case, Chief Justice Marshall says:

"The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently, that Government possesses the power of acquiring territory either by conquest or by treaty. If it be ceded by the treaty, the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession, or on such as its new master shall impose. Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State acquired the means of self-government,—may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned."

Mr. Justice Johnson, in his opinion, delivered in the same case, when in the circuit court, thus expresses himself:

"The right, therefore, of acquiring territory, is altogether incidental to the treaty-making power, and, perhaps, to the power of admitting new States into the Union; and the government of such acquisitions is of course left to the legislative power of the Union, as far as that power is uncontrolled by treaty. By the latter we acquire either positively or *sub modo*, and by the former dispose of acquisitions so made; and in case of such acquisitions, I see nothing in which the power acquired over the ceded territories can vary from the power acquired under the law of nations by any other government over acquired or ceded territory."

Now, sir, here is, if I can understand it, a clear and decided opinion of the court, delivered by the eminent man who at that time presided over its deliberations, and who was himself the embodiment of all judicial excellence—that, under the treaty and war powers, the United States have, under the Constitution, the right to acquire territory; that they acquire it upon the same terms as any other nation; and that it is subject, in their hands, to such terms and conditions as they may deem proper to impose, subject only to such restrictions if any, as may be contained in the treaty of

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